vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6140 OF 2005

Shree Shahu Co-op. Bank Limited ... Petitioner

V/s.

Mr.A.B. Patil ... Respondent

Mr.M.S. Topkar for Petitioner
Mr.P.P. Chavan for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 22, 2005**

P.C.:

. The Petition challenges the order of the Labour Court passed under section 33-C(2) of the Industrial Disputes Act. The Labour Court has granted the application made by the Respondent. The Respondent had claimed leave encashment of 72 days which the Petitioner has admitted is payable. The unpaid wages for the period from 18.9.1993 to 17.3.1994 has also been claimed. However, the Labour Court has granted the unpaid wages only from 17.10.1993 to 17.3.1994 amounting to Rs.15,000/-. Bonus for the years 1992-93 and 1993-94 has also been awarded.

2. The learned Advocate for the Petitioner submits that unpaid wages cannot be granted for this period

since the respondent had remained absent during the entire period. The Labour Court has considered this issue and has drawn adverse inference since the Petitioner had failed to produce the muster rolls on record.

3. As regards bonus, the Labour Court has relied upon the judgment in the case of *Electric Constuction & Equipment Co. Ltd. v/s. Hukam Narayan Sharma,* **1993 II CLR 466** and has rightly held that the bonus is payable. I see no infirmity in the order of the Labour Court. Petition rejected.